

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALLANNA WARREN,

Plaintiff,

v.

THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

Case No. 2:23-cv-00601-GMN-EJY

ORDER

Pending before the Court is Plaintiff's Federal Rule of Civil Procedure Rule 45 Subpoena, styled as a motion on the docket, seeking production of document from Defendant. ECF No. 100. The Court exercises its inherent authority to manage discovery and control its docket rather than require wasteful motion practice that is contrary to Rule 1 of the Federal Rules.

A Rule 45 subpoena "cannot be used to circumvent Rule 34 or the other discovery rules." *McCall v. State Farm Mut. Auto. Ins. Co.*, 2:16-cv-01058-JAD-GWF, 2017 WL 3174914, *6 (D. Nev. 2017). Rule 34 of the Federal Rules of Civil Procedure allows for one party to request documents from another party. A request for production of documents is the proper and the primary way to obtain documents from an opposing party. 8A Charles Alan Wright et al., *Federal Practice and Procedure* § 2204 at 365 (2nd ed. 1994), (Rule 45 should not be allowed when it circumvents the requirements and protections of Rule 34).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Rule 45 subpoena is quashed and the docket is to reflect ECF No. 100 is DENIED.

Dated this 9th day of February, 2024.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE